



Andersen Air Force Base

LEGAL OFFICE NEWSLETTER



3rd & 4th Quarter 2017

THE TRUE COST OF DRIVING UNDER THE INFLUENCE

By: TSgt LaQuita Ginn

SrA Snuffy arrived to work and received a wonderful surprise. He was informed by his First Sergeant and Commander that his hard work and studying had finally paid off. SrA Snuffy earned a line number for Staff Sergeant and would be promoted in the near future. Excited about his accomplishments, he decided to celebrate. After work, SrA Snuffy met up with a few of his friends and celebrated his future promotion by having drinks at a local bar. Throughout the night, he lost track of time and the amount of drinks he consumed. Although SrA Snuffy couldn't remember how many drinks he consumed, he didn't feel "drunk" and decided to drive home.

As SrA Snuffy was driving home, he was pulled over by the local police. As the officer approached the car she smelled alcohol and asked SrA Snuffy to step out of the car. He was asked to take a breathalyzer. SrA Snuffy blew a .09, which is above the legal limit to consume alcohol and drive. After failing the breathalyzer, SrA Snuffy was taken to jail. SrA Snuffy couldn't believe what was happening to him. He felt embarrassed but knew he had to let his unit know what was going on. He called his First Sergeant, MSgt Robinson, and told him what happened. SrA Snuffy spent the weekend in jail and was released to his Shirt on Monday morning. He was left to wonder, what will this cost me?

A DUI can be a very costly

crime. If prosecuted by the Government of Guam, the penalties for being convicted of a DUI include a minimum of 2 days confinement and a maximum of 1 year, with a minimum fine of \$1,000 and a maximum of \$5,000, in addition to court fees and costs. 16 G.C.A. § 18104. The individual's driver's license is suspended for a minimum of 6 months. These are the penalties for a first-time offense; subsequent offenses can result in much higher penalties. The

individual's commander may elect to follow up by issuing a Letter of Reprimand, administrative demotion or some other form of administrative action.

If the Air Force obtains jurisdiction over the offense, then the commander may elect to proceed in a variety of ways. She may issue a Letter of Reprimand or other administrative paperwork. The commander may also offer nonjudicial punishment. In such an instance, if the commander finds the

member guilty of the offense, punishment may include loss of rank, forfeiture of pay, and restriction to base. As an example, if SrA Snuffy had 4 years of service and lost one stripe, it would cost him \$3,675.60 in base pay over one year, to say nothing of the cost of delays in future promotions down the road. Finally, the commander could elect to proceed to a court-martial, where, if convicted, the member could face up to

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FROM THE STAFF JUDGE ADVOCATE

BY: COL KRISTINE DOUGLAS

Every day, all day, YOU are the key component to your success, including the success of your Wingmen, and unit. Do you know how? Through your innovative thinking and responsible decision making.

We are the best Airmen in the best Air Force the world has ever seen. We can honor the Air Force through our review of how we are contributing to our mission's accomplishment every day. Whether following, supporting, or leading each other, we should encourage each other and continually look for ways to more efficiently get the

job done. If there is an idea for an improved process or product, communicate it! Let your supervisor, and your supervisor's supervisor in on your great idea. Creative, innovative (flexible) thinking is crucial to Air Force operations. We would not be where we are today without it. We must continue the great legacy by communicating our innovations up the chain of command, who can sanction and implement them. Exercising innovative thinking and then communicating those great ideas up the chain of command is responsible decision making. Only through this responsible decision making can we propel

our Air Force into the next generation and beyond.

Do not hesitate to creatively problem-solve and communicate your great ideas. Although some ideas may not be implemented for a myriad of reasons, that does not mean you cannot forward them for consideration. Know that your leadership, all the way up to the 36 Wing Command Chief and Commander, Brig Gen Cox, support you and thank you for all your efforts day-in and day-out. If there is a way your legal office can help get your innovative idea implemented, we will work with your commander to get it done. Thank you!



KNOWLEDGE IS HORSEPOWER: A CHOOSE YOUR OWN ADVENTURE ARTICLE

BY: CAPT KRISTINA LUDWIG

You:

- A) have decided to buy a *new* car in Guam.
- B) have decided to buy a *used* car in Guam.
- C) have a burning desire to chat about laws.

Adventure A

Congratulations on your decision to purchase a new car in Guam! I am sure everything will work out great, but here is some information in case it doesn't:

If, within 30 days of receiving your new vehicle (and said vehicle is less than five years old), it breaks or fails to operate as intended through no fault of your own, then per Guam statute 5 G.C.A. § 32202, the seller will be responsible for repairing these defects. Furthermore, the seller cannot rely upon a manufacturer's warranty to escape its responsibility for these repairs. After the initial 30 days, however, your new (less than five years old) vehicle will be repaired or replaced according to the terms of its warranty. However, if the warranty is not honored, Guam law allows you, the consumer, to recover from both the warrantor and the seller, even

if the initial 30 days have passed.

If the seller sold you a used vehicle but told you it was new, then Guam law requires the seller to repair, refund, or replace the vehicle as if the vehicle were new. Additionally, if the matter escalates into a lawsuit, according to Guam law, the court shall also award you, the consumer, punitive damages of \$2,000, or three times the value of the vehicle, whichever is greater.

Adventure B

Congratulations on your decision to purchase a used car in Guam! However, before you buy your used car, here are a few tips to keep in mind:

First, ask the seller for the vehicle's maintenance record. In Guam, the merchant must provide in writing prior to sale to you, the consumer, all previous damage to the vehicle known to the seller and all repair work done on the vehicle by the merchant or at the merchant's instruction. Additionally, the

merchant must, prior to selling the vehicle, reveal any used parts which were used in any repairs on the vehicle. 5 G.C.A. § 32201 (c)(17). You can also review the vehicle's history using its vehicle identification number (VIN) at www.vehiclehistory.gov or find out if the vehicle has been recalled at www.safercar.gov.

Second, determine if the vehicle is under warranty or a service contract. If the seller is a dealer, this information should be contained within the Buyers Guide that must be displayed on the vehicle in accordance with the Used Motor Vehicle Trade Regulation Rule. If you are not buying from a dealer, be sure to ask the seller whether the vehicle has a warranty or a service contract. Most used vehicles are sold "as is," without a warranty or service contract, but double check with the seller before you buy.

Third, look over the vehicle using an inspection checklist, such as the one on page 3 of the Buyers Guide: www.consumer.ftc.gov/

[articles/pdf-0083-buyers-guide.pdf](#). If you have a mechanic that you trust, you can have him/her inspect the vehicle as well. If the seller objects to a mechanic inspecting the vehicle before you buy, you might want to take your business elsewhere.

For more used vehicle buying tips, visit www.military.consumer.gov.

Adventure C

Stop by the Legal Office on Monday and Wednesday mornings from 0900 to 1000 for walk-in legal assistance. If mornings are inconvenient, call us and set up an appointment at 366-2937.

NEW YEAR NEW HOURS!

WALK-INS

Mondays & Wednesdays
0900 - 1000

*Now open to everyone
eligible for legal
assistance!*

APPOINTMENTS

Tuesdays & Thursdays
1300 - 1500

*Powers of attorney and
notary services are still
available Monday through
Friday, 0800 to 1630, on a
walk-in basis.*

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DUI Cost

6 months confinement, forfeitures of pay, and a bad conduct discharge.

Regardless of which entity handles the misconduct, there are still more negative consequences. A pending line number or promotion may be removed. On-base driving privileges may be revoked for up to 1 year. Car insurance premiums are likely to increase as

much as 50 percent.

A one-time lapse in judgement ultimately cost A1C Snuffy \$12,500.00 in potentially earned income, lost income, and savings over one year. It was hard for A1C Snuffy to watch his friends continue to progress and move up in rank. Often times, he replays the night he was pulled over and how he could have prevented receiving a DUI.

A1C Snuffy concluded he had several options he could have utilized to avoid receiving a DUI, such as calling Airman Against Drunk Driving (AADD), phoning a friend or his supervisor for a ride, catching a taxi, or getting a hotel room for the night. Any of the options listed would have cost less money, and caused less pain and regret than receiving a DUI.

3rd & 4th Quarter Article 15s

SSgt failed to obey a lawful written order.

Punishment: Reduction to SrA, forfeiture of \$600.00 for two months, 45 days extra duty, and a reprimand.

TSgt disrespected a supervising NCO and was drunk/disorderly on base.

Punishment: Suspended reduction to SSgt, 30 days extra duty, and a reprimand.

A1C used provoking speech or gesture.

Punishment: Reduction to Amn, suspended forfeitures of \$896.00 for one month, and a reprimand.

A1C committed indecent exposure.

Punishment: Reduction to Amn, forfeitures of \$799.00 for two months, and a reprimand.

SSgt failed to obey a lawful order and made a false official statement.

Punishment: Reduction to SrA, forfeitures of \$600.00 for two months, 45 days extra duty, and a reprimand.

A1C caught driving drunk and failed to report as ordered.

Punishment: Suspended reduction to Amn, 30 days restriction to base, forfeitures of \$180.00 for one month, 33 days extra duty, and a reprimand.

SrA communicated a threat.

Punishment: Reduction to A1C and a reprimand.

SrA found derelict in duties (neglect).

Punishment: Suspended reduction to A1C and a reprimand.

Amn failed to go to a medical appointment.

Punishment: Reduction to AB and a reprimand.

A1C found derelict in duties (neglect).

Punishment: Suspended reduction to Amn, forfeitures of \$200.00 for one month, 9 days extra duty, and a reprimand.

A1C found willfully derelict in duties.

Punishment: Reduction to Amn, 30 days restriction to base, and a reprimand.

A1C found willfully derelict in duties and made a false official statement.

Punishment: Reduction to Amn, 45 days extra duty, and a reprimand.

SrA found derelict in duties (neglect).

Punishment: Suspended reduction to A1C and a reprimand.

A1C found willfully derelict in duties and misused GTC.

Punishment: Reduction to Amn and a reprimand.

Amn stole military property (\$500 or less).

Punishment: Reduction to AB, 30 days extra duty, and a reprimand.

TSgt made two false official statements and signed two false official statements.

Punishment: Reduction to SSgt and a reprimand.



Office of the
Staff Judge Advocate

36 WG/JA
Unit 14003
APO, AP 96543

DSN: 366-2937
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36TH WING OFFICE OF THE STAFF JUDGE ADVOCATE

36 WG/JA

Vision: *Enable Pacific Airpower through mission-focused legal capabilities while developing combat-ready JAGC Airmen.*

Mission: *To provide exceptional, timely, and full-spectrum legal counsel and capabilities to Team Andersen and our partners.*

LEGAL ASSISTANCE APPOINTMENTS

Visit: <http://aflegalassistance.law.af.mil>

Call: 366-2937 for appointments

Walk-In: Mon & Wed 0900-1000

Wills and Powers of Attorney

1. Go to the Legal Assistance website
2. Click "Legal Worksheets"
3. Complete worksheet for each document you want to create
4. Save your ticket number and call Legal to for an appointment

Legal Assistance

1. Go to the Legal Assistance website
2. Click "Legal Assistance Topics"
3. Look through the self-help information for answers to your question
4. If the legal assistance topic is not listed or the

self-help information does not answer your question, call Legal to schedule an appointment.

